

SUBJECT: Authorizing school districts to donate surplus property

COMMITTEE: Public Education — favorable, without amendment

VOTE: 8 ayes — Sadler, Dunnam, Grusendorf, Hardcastle, Hochberg, Oliveira, Olivo, Smith

0 nays

1 absent — Dutton

SENATE VOTE: On final passage, February 27 — 29-0

WITNESSES: None

BACKGROUND: The Texas Constitution, Art. 7, sec. 4 provides for the sale of lands set apart for the Public Free School Fund. Education Code, ch. 11 outlines the powers and duties of the boards of trustees of independent school districts, including the authority to sell property.

DIGEST: SJR 2 would amend the Texas Constitution by adding Art. 7, sec. 4B, allowing the Legislature to authorize a school district’s board of trustees to donate district real property and improvements formerly used as a school campus for the purpose of preserving the improvements. Such an act of the Legislature would have to provide that, before the school board could make the donation, it would have to determine that the district did not need the property for educational purposes, that the improvements had historical significance, and that the transfer would further the preservation of the improvements.

The proposal would be presented to voters at an election on November 6, 2001. The ballot proposal would read: “The constitutional amendment authorizing the legislature to authorize the board of trustees of an independent school district to donate certain surplus district property of historical significance in order to preserve the property.”

**SUPPORTERS
SAY:**

SJR 2 would allow local school boards to donate surplus real property to cities, counties, or nonprofit organizations to be maintained as community centers and for historic preservation. Any proposal to authorize the donation of school district property requires a constitutional amendment. Because current law does not allow the type of transfer that SJR 2 would propose, it also is necessary to amend the Education Code to give school boards this authority, which SB 116, the enabling legislation also on today's calendar, would do.

During the late 1800s, rural landowners donated land and built one-room schoolhouses to educate their children. When the Gilmer-Aiken Act of 1949 required consolidation of school districts throughout the state, the old country schools were given to the new school districts free of charge. The old schools no longer are being used as school facilities, but still are considered school district surplus property. No taxpayer funds have been used on these schools since they were given to school districts 50 years ago. Most of the country schools have been used as community centers in which to hold meetings, elections, reunions, and weddings. Community organizations have maintained the old school buildings and have paid for all operating costs.

The historic value of these sites is without question. As the original locations of the first attempts at rural education in Texas, they add richly to the historic tradition of their communities. These sites are not suitable as future school locations and have no realistic value for any future school district use. School boards and communities are concerned with the long-term status of these sites.

All parties involved want to have these properties in the hands of groups dedicated to preserving these sites and to their continued availability as centers for rural community groups.

**OPPONENTS
SAY:**

Rather than amend sections of an out-of-date state constitution every legislative session to deal with special situations such as allowing school districts to donate old schoolhouses, it would make more sense to overhaul the document to make it a leaner, more responsive document that would serve Texas as a blueprint for government in the 21st century.

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NOTES: SB 116 by Wentworth, the enabling legislation for SJR 2, which would authorize the board of trustees of an independent school district to donate certain surplus district property to a municipality, county, or nonprofit organization in order to preserve the property, is on today's General State Calendar.